

2023:PHHC:156446

CRM-M-22806-2022

Date of Decision: 07.12.2023

DEEPAK MITTAL

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Sehej Sandhawalia, Advocate for the petitioner.
Mr. Mohit Kapoor, Addl. AG, Punjab.
Mr. Sunil Tiwari, Advocate,
Mr. G.S. Madaan, Advocate,
Mr. Anshul Sharma, Advocate
Ms. Nisha Batra, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.07 dated 06.01.2022 registered under Sections 420, 467, 468 & 471 IPC registered at Police Station Moti Nagar, Ludhiana, Punjab.

2. Learned counsel for the petitioner has filed an application in the Court today itself for addition of Section 20/120-B IPC in head notice/prayer clause.

3. Notice of the application.

4. On the asking of the Court, learned State counsel and counsel for the complainant accepts notice.

5. In view of prayer made in the application, same is allowed.

6. Registry is directed to make necessary corrections in the head note/prayer clause.

7. Vide order dated 24.05.2023 the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“The counsel for the petitioner submitted that as per allegations appearing in the FIR, the petitioner being attorney of his father Jai Bhagwan Mittal entered into an agreement to sell the property in question with the complainant for consideration of Rs.32,00,000/- and received Rs.10,00,000/- as earnest money and thereafter, failed to perform his part of contract and also refused to return the aforesaid amount. The counsel further submitted that the aforesaid allegations at the most amounts to breach of contract or promise and as such, no criminal offence is made out against the petitioner who was having no dishonest intention. In support of her contentions the counsel for petitioner placed reliance upon ‘Inder Mohan Goswami and another Vs. State of Uttranchal 2007 (12) SCC 1’ .”

3. Learned counsel for the petitioner submits that in compliance of order dated 24.05.2022, the petitioner has joined investigation and cooperated with the investigating agency.

4. Affidavit of Assistant Commissioner of Police, Industrial Area-A, Ludhiana on behalf of respondent filed in compliance of the order dated 24.08.2023 filed in Court is taken on record.

5. Learned State counsel does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He submits that the petitioner is not required for further investigation much less for his custodial interrogation. Challan has been presented.

6. In view of the above, the petition is allowed and interim order dated 24.05.2022 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
(JUDGE)

07.12.2023

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No